



Title V Operating Permit

Permit No: **TV-OP-002**
Date Issued: **July 23, 1998, Significant Modification July 6, 1999, Amended November 15, 1999,
Amended July 2, 2002, Significant Modification July 25, 2003**

This certifies that:
Bio Energy LLC
1994 Maple Street
West Hopkinton, NH 03229

has been granted a Title V Operating Permit for the following facility and location:
Bio Energy LLC
Route 127
West Hopkinton, NH
AFS No. 3301300101

This Title V Operating Permit is hereby issued under the terms and conditions specified in the Title V Operating Permit Application filed with the New Hampshire Department of Environmental Services Air Resources Division (DES) on **September 12, 1995**, the Addendum to Title V Permit Application filed with the DES on **March 3, 1997**, and modification request filed with the DES on **June 21, 2002** under the signature of the following responsible official certifying to the best of their knowledge that the statements and information therein are true, accurate and complete.

Responsible Official:
William Dell'Orfano
President
(603) 746-5833
Technical Contact:
Harry Smith
Plant Manager
(603) 746-5833

This Permit is issued by the DES pursuant to its authority under New Hampshire RSA 125-C and in accordance with the provisions of Code of the Federal Regulations 40 Part 70.

This Title V Operating Permit shall expire on **July 31, 2003**.

SEE ATTACHED SHEETS FOR ADDITIONAL PERMIT CONDITIONS

For the New Hampshire Department of Environmental Services, Air Resource Division

Administrator, Stationary Source Management Bureau
Air Resources Division

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Facility Specific Title V Operating Permit Conditions

I. Facility Description of Operations:

Bio Energy LLC (Bio Energy) Generating Station is located in West Hopkinton, New Hampshire. The electric generating station is designed to consume wood fuel consisting of cleaned processed wood fuel, whole tree wood chips, or wood generated from construction and demolition debris (C/D chips) to generate 12.65 MW (gross) of electrical power. No. 2 fuel oil is also used as fuel in combination with the wood fuel.

II. Permitted Activities:

In accordance with all of the provisions of the New Hampshire Rules Governing the Control of Air Pollution (effective date 12/31/96) and as revised thereafter, the permittee is authorized to operate the devices and or processes identified in Sections III, IV, V and VI within the terms and conditions specified in this Permit.

III. Significant Activities Identification and Stack Criteria:**A. Significant Activity Identification**

The activities identified in the following table (Table 1) are subject to and regulated by this Title V Operating Permit:

Table 1 - Significant Activity Identification			
Emission Unit Number (EU#)	Description of Emission Unit	Exhaust Stack Identification	Emissions Unit Maximum Design Capacity
EU1 - Boiler	Zurn Wood-fired Boiler Designed in 1983, Installed in 1984	Stack #1	Maximum Firing Rate of 225 mmBTU/hr with wood Maximum Firing Rate of 80 mmBTU/hr with #2 oil
EU2 -Cooling Tower	Circulation Water Cooling Tower	Cooling Tower	Drift Factor = 0.00005 gal drift/gal circ Circulation Rate = 10,600 gpm

B. Stack Criteria

The following stack for the above listed significant device at this facility shall discharge vertically without obstruction (including rain caps) and meet the following criteria in accordance with the state-only air pollution dispersion modeling requirements specified in Env-A 606.

Table 2 - Stack Criteria		
Stack ID	Minimum Stack Height (Feet)	Maximum Stack Diameter (Feet)
Boiler	157.5	6.0

Preauthorized changes to the state-only requirements pertaining to stack parameters (set forth in this permit) shall be permitted only when an air quality impact analysis meeting the criteria of Part Env-A 606 is performed either by the facility or by the DES (if requested by the facility in writing) in accordance with the "DES Policy and Procedure for Air Quality Impact Modeling". All air modeling data shall be kept on file at the facility for review by the DES upon request.

IV. Insignificant Activities Identification:

All activities at this facility that meet the criteria identified in the New Hampshire Rules Governing the Control of Air Pollution Part Env-A 609.03(g), shall be considered insignificant activities. Emissions from the insignificant activities shall be included in the total facility emissions for the emission-based fee calculation described in Section XXV of this Title V Operating Permit.

V. Exempt Activities Identification:

All activities identified in the New Hampshire Rules Governing the Control of Air Pollution Part Env-A 609.03(c) shall be considered exempt activities and shall not be subject to or regulated by this Title V Operating Permit.

VI. Pollution Control Equipment Identification:

The devices and/or processes identified in Table 3 below are considered pollution control equipment for the identified emissions unit.

Table 3 - Pollution Control Equipment Identification		
Pollution Control Equipment Number (PC#)	Description of Equipment	Emission Unit
PC1-Multiclone	Multiclone - primary particulate control for the EU1 - Boiler	Boiler
PC2-EFB	Electrified Filter Bed - secondary particulate control for the EU1 - Boiler	Boiler
PC3-Bag House	Dry Dust Collector - final particulate control for the EU1 - Boiler	Boiler
PC4-CO Catalyst	Oxydizing Catalyst - CO control for the EU1 - Boiler	Boiler

- A. Based on the AP-42 uncontrolled particulate matter (PM) emissions of 8.8 lb/ton, the combined minimum efficiency of the PM control equipment (PC1 through PC3) shall be at least 90.4% to meet the applicable permit limit for PM of 0.1 lb/mmBTU.
- B. All equipment, facilities and systems installed and used to achieve compliance with the terms and conditions of this permit shall at all times be maintained in good working order and shall be operated as efficiently as possible so as to minimize air pollutant emissions and meet all applicable air pollutant emission limits.
- C. The pollution control equipment shall be maintained regularly, in accordance with the manufacturer's Operation and Maintenance (O&M) manual and based on the schedules as described in Sections VIII.A. and X.A.

VII. Alternative Operating Scenarios:

Bio Energy did not include alternative operating scenarios in their Title V application. This permit will

have to be amended if Bio Energy desires to include any alternative operating scenarios.

VIII. Applicable Requirements

A. State-only Enforceable Operational and Emission Limitations

The Permittee shall be subject to the state-only operational and emission limitations identified in Table 4 below:

Table 4 – State-only Enforceable Operational and Emission Limitations			
Item #	Applicable Requirements	Applicable Emission Unit	Regulatory Cite
1.	In accordance with Env-A 1403.01, new or modified devices or processes installed after May 8, 1998, shall be subject to the requirements of Env-A 1400	Facility Wide	Env-A 1403.01.
2.	In accordance with 1403.02(a), all existing unmodified devices or processes, which are in operation during the transition period ending three years from May 8, 1998 (May 8, 2001), shall comply with either Env-A 1300 or Env-A 1400.	Facility Wide	Env-A 1403.02(a)
3.	In accordance with Env-A 1403.02(b), all existing devices or processes in operation after the transition period ending three years from May 8, 1998 (May 8, 2001), shall comply with Env-A 1400. Env-A 1300 will no longer be in effect.	Facility Wide	Env-A 1403.02(b)
4.	In accordance with Env-A 1404.01(d), documentation for the demonstration of compliance shall be retained at the facility, and shall be made available to the DES for inspection.	Facility Wide	Env-A 1404.01(d)
5.	In accordance with Env-A 1405.02, the owner of an existing device or process requiring a permit under chapter Env-A 1400, shall submit to the DES no later than one year prior to the end of the transition period (May 8, 2000), an application for modification to a title V permit in accordance with Env-A 609.18. A request to the DES to perform air dispersion modeling shall also be submitted at that time.	Facility Wide	Env-A 1405.02
6.	In accordance with Env-A 1406.01, the owner of any device or process, which emits a regulated toxic pollutant, shall determine compliance with the ambient air limits by using one of the methods provided in Env-A 1406.02, Env-A 1406.03, or Env-A 1406.04. Upon request, the owner of any device or process, which emits a regulated toxic air pollutant, shall provide documentation of compliance with the ambient air limits to the DES. The Boiler shall be limited to less than 0.60 lb/hr lead emissions. C/D chips fed to the Boiler shall be less than 100 mg/kg lead content reported on a dry basis. Please refer to the Monitoring/Testing, Performance Testing, Recordkeeping, and Reporting sections of this Permit for additional applicable requirements for demonstrating compliance with the State Air Toxics Program contained in Env-A 1400.	Facility Wide	Env-A 1406.01
7.	The owner or operator shall take precautions to prevent, abate and control the emission of fugitive dust for those activities contained in Env-A 1002.02. Such precautions shall include wetting, covering, shielding or vacuuming.	Facility Wide	Env-A 1002.03
8.	No owner or operator shall cause or allow average opacity from fuel burning devices in excess of 20 percent (%) for any continuous 6 minute period in any 60 minute period.	Boiler	Env-A 2003.02

Table 4 – State-only Enforceable Operational and Emission Limitations

Item #	Applicable Requirements	Applicable Emission Unit	Regulatory Cite
9.	The average opacity shall be allowed to be in excess of 20% for one period of 6 continuous minutes in any 60 minute period during startup, shutdown, malfunction, soot blowing, grate cleaning, and cleaning of fires.	Boiler	Env-A 2003.04(c)
10.	Exceedances of the opacity standard shall not be considered violations of this part if the facility demonstrates to the division that such exceedances were the result of the adherence to good boiler operating practices which, in the long term, results in the most efficient or safe operation of the boiler.	Boiler	Env-A 2003.04(d)
11.	Examples of activities that may cause exceedances of the opacity standard that shall not be considered violations include: continuous soot blowing of the entire boiler tube sections over regular time intervals as determined by the operator and in conformance with good boiler operating practice; and cold startup of a boiler over a continuous period of time resulting in efficient heat-up and stabilization of its operation and the expeditious achievement of normal operation of the unit.	Boiler	Env-A 2003.04(e)
12.	Exceedances of the opacity standard shall not be considered violations of this part if the source demonstrates to the division that such exceedances were the result of the occurrence of an unplanned incident in which the opacity exceedance was beyond the control of the operator and in response to such an incident, the operator took appropriate steps in conformance with good boiler operating practice to eliminate the excess opacity as quickly as possible.	Boiler	Env-A 2003.04(f)
13.	In accordance with Env-A 1400, prior to changing cooling water treatment chemicals, Bio Energy shall evaluate the impact of the proposed chemicals on the 24-hour and annual de minimus limits of the DES Air Toxics List. If the impact exceeds the de minimus 24-hour or annual levels, Bio Energy shall notify DES in writing of the proposed chemical changes. Written approval from DES shall be received prior to making the chemical change, if the de minimus levels are exceeded. If the impact does not exceed the de minimus levels, Bio Energy may make the chemical change and shall keep the records of the impact analysis in the facility files in accordance with the recordkeeping requirements of Section X.E. of this permit.	Cooling Tower	Env-A 1400

Table 4 – State-only Enforceable Operational and Emission Limitations

Item #	Applicable Requirements	Applicable Emission Unit	Regulatory Cite
14.	<p>The following equations shall be used to evaluate the impact of cooling water chemicals on the 24-hour and annual de minimus levels. This equation shall be used for each chemical used in the cooling water that is included on the DES Air Toxics List. Also, this equation shall be used to estimate particulate emissions from both chemical additives to the water and total dissolved solids contained in the water for emission-based fees as described in Section XXV. of this permit.</p> <p>24-hour Emissions (lb/hr) = (DR)*(Hourly CR)*(8.34 lb/gal)*(C)</p> <p>Example Calculation: 24-hour emissions of total dissolved solids (lb/hr)</p> <p>= (0.00005 gal/gal)*(636,000 gal/hr)*(8.34 lb/gal)*(1600 ppmw TDS)</p> <p>1×10^{-6}</p> <p>= 0.424 lb/hr TDS</p> <p>Annualized Emissions (lb/yr) = (24-hour Emissions, lb/hr)*(Operating hours/year)</p> <p>Example Calculation:</p> <p>Annualized emissions of TDS (lb/yr) = (0.424 lb/hr)*(8760 hrs/yr)</p> <p>= 3,717 lbs/yr TDS</p> <p>Where:</p> <p>DR = drift rate for tower (based on manufacturer's data for facility tower),</p> <p>gal drift/gal circulation water (0.00005 gal/gal)</p> <p>Hourly CR = water circulation rate, gal/hr</p> <p>C = concentration of chemical of interest (or total dissolved solids concentration) in circulation water, ppmw (use maximum potential concentration for de minimus impact evaluation and average or actual data for emission-based fee calculations)</p>	Cooling Tower	Env-A 1400

VIII. Applicable Requirements

B. Federally Enforceable Operational and Emission Limitations

The permittee shall be subject to the Federally enforceable operational and emission limitations identified in Table 5 below:

Table 5 – Federally Enforceable Operational and Emission Limitations			
Item #	Applicable Requirement	Applicable Emission Unit	Regulatory Cite
1.	Based on equipment design, the maximum operating rate of the Boiler shall be limited to a total of 225 million BTU per hour (mmBTU/hr) gross heat input. This is the equivalent of 132,000 pounds per hour (lbs/hr) of steam production at 825 degrees F and 610 PSIG as averaged over any consecutive 24-hour period.	Boiler	State Permit to Operate PO-B-1640
2.	Based on facility operations, fuel fed to the Boiler shall consist of any of the following: <ul style="list-style-type: none"> a) Whole tree wood chips at approximately 50% moisture (approximately 8.5 mmBTU/ton). b) Whole tree wood chips at approximately 8.5 mmBTU/ton and #2 fuel oil at maximum 0.4% sulfur by weight. c) Clean processed wood fuel¹ (approximately 8.5 mmBTU/ton to 13.5 mmBTU/ton) and #2 fuel oil at maximum 0.4% sulfur by weight. d) Clean processed wood fuel and whole tree wood chips at approximately 50% moisture. e) Clean processed wood fuel and whole tree wood chips at approximately 50% moisture and #2 fuel oil at maximum 0.4% sulfur by weight. f) No. 2 fuel oil at maximum 0.4% sulfur by weight. g) Clean processed wood fuel (approximately 8.5 mmBTU/ton to 13.5 mmBTU/ton). h) C/D wood waste derived chips. i) Mixtures of C/D wood waste derived chips, whole tree chips, and clean processed wood fuel. j) C/D wood waste derived chips and #2 fuel oil at a maximum 0.4% sulfur by weight. k) Mixtures of C/D wood waste derived chips, whole tree chips, clean processed wood fuel, and #2 fuel oil at a maximum of 0.4% sulfur by weight. 	Boiler	State Permit to Operate PO-B-1640
3.	Based on equipment design, the maximum gross heat input rate of #2 fuel oil at maximum sulfur content of 0.4% by weight to the Boiler shall be limited to 80 mmBTU/hr. This is equivalent to 580 gallons per hour of #2 fuel oil. In accordance with Condition VIII.C.10 of this permit, the maximum consumption of #2 fuel oil by the Boiler at maximum sulfur content of 0.4% by weight shall be limited to 1,302,800 gallons during any consecutive twelve month period.	Boiler	State Permit to Operate PO-B-1640

¹Clean processed wood fuel is considered to be fuel that exhibits fuel characteristics equivalent to “whole tree wood chips” and “sawdust” with respect to the ultimate and proximate analysis of the fuel.

Table 5 – Federally Enforceable Operational and Emission Limitations			
Item #	Applicable Requirement	Applicable Emission Unit	Regulatory Cite
4.	Based on equipment design, the maximum wood consumption by the Boiler shall be limited to 232,000 tons wet basis of whole tree wood chips at 50% moisture, clean processed wood fuel, and C/D wood waste derived chips during any consecutive twelve month period.	Boiler	State Permit to Operate PO-B-1640
5.	<p>To maintain the efficiency of the CO catalyst and to operationally control CO emissions in accordance with DES State Permit to Operate, PO-B-1640 issued on December 20, 1994, the owner or operator shall comply with the following operational limitations:</p> <ul style="list-style-type: none"> a) In addition to operation of the CO catalyst, the owner or operator shall control CO emissions by varying the total quantity of input combustion air and/or the local distribution of that air into the Boiler. The amount of combustion air required to optimize the Boiler efficiency and reduce CO emissions is dependent on the wood moisture content and the type of wood, among other factors. The combustion air shall be supplied and regulated by three fans (Forced Draft, Overfire and Induced Draft) and their associated dampers and controls to achieve optimum Boiler efficiency settings. b) The oxidizing catalyst shall be maintained by periodic steam sootblowing, based on the differential pressure across the layers of catalyst. The owner or operator shall perform sootblowing for the purpose of cleaning the oxidizing catalyst when the differential pressure across the catalyst exceeds 3 inches of water. c) In the event that the CO oxidizing catalyst modules become masked, a chemical cleaning, or equivalent, procedure shall be used to bring the modules back to life. The frequency of cleaning will vary based on the particular load and type of fuel burned. General module chemical cleaning or catalyst rotation shall be conducted at least once each year. Chemical cleaning shall be conducted in accordance with the manufacturer's specifications. Waste materials from the chemical cleaning shall be properly disposed in accordance with applicable DES rules and EPA regulations. 	Boiler	State Permit to Operate PO-B-1640
6.	In accordance with Env-A 1211.04(d) and Env-A 1211.05(d)(5), the Boiler, firing wood fuel or capable of firing a combination of wood fuel and oil and equipped with a stationary grate, shall comply with the oxides of nitrogen (NO _x) Reasonably Available Control Technology (RACT) emission limit of 0.25 pounds per million BTU (lb/mmBTU), based on a 24-hour calendar day average.	Boiler	Env-A 1211.04(d) & Env-A 1211.05(d)(5)
7.	The sulfur content of No. 2 oil and off road diesel fuel oil shall not exceed 0.40 percent sulfur by weight.	Facility Wide	Env-A 1604.01(a) & State Permit to Operate PO-B-1640
8.	To avoid the requirements of the federal Prevention of Significant Deterioration (PSD) regulation 40 CFR 52.21(b)(1)(i)(b), the NO _x emission rate for the Boiler shall be limited to 57.0 pounds per hour (lbs/hr) average for any consecutive 365-day period. Compliance with this emission limit shall be demonstrated using the annual NO _x stack testing requirements described in Section VIII.D. of this permit.	Boiler	State Permit to Operate PO-B-1640

Table 5 – Federally Enforceable Operational and Emission Limitations			
Item #	Applicable Requirement	Applicable Emission Unit	Regulatory Cite
9.	To avoid the requirements of the federal PSD regulation 40 CFR 52.21(b)(1)(i)(b), the carbon monoxide (CO) emission rate for the Boiler shall be limited to 57.0 lbs/hr for any consecutive 365-day period. Continuous Emission Monitoring (CEM) requirements are described in Section VIII.D. of this permit.	Boiler	State Permit to Operate PO-B-1640
10.	In accordance with DES State Permit to Operate, PO-B-1640 issued on December 20, 1994, the carbon monoxide (CO) emission rate for the Boiler shall be limited to 225 lbs/hr for each calendar day average as calculated on the CEM system.	Boiler	State Permit to Operate PO-B-1640
11.	In accordance with DES State Permit to Operate, PO-B-1640 issued on December 20, 1994, the PM emission rate for the Boiler shall be limited to 0.10 lb/mmBtu heat input as demonstrated by PM stack testing requirements as described in Section VIII.D. of this permit.	Boiler	State Permit to Operate PO-B-1640
12.	To avoid the requirements of the federal Prevention of Significant Deterioration (PSD) regulation 40 CFR 52.21, the maximum consumption of #2 fuel oil by the Boiler at maximum sulfur content of 0.4% by weight shall be limited to 1,302,800 gallons during any consecutive twelve month period, (which is equivalent to 37.0 tons per year of SO ₂ based on EPA AP-42 Emissions Factors).	Boiler	State Permit to Operate PO-B-1640
13.	The Facility shall comply with the National Ambient Air Quality Standards (NAAQS) and the applicable requirements of RSA 125-C:6, RSA C:11 and Env-A 606.04. These sections include, but are not limited to, descriptions of the powers and duties of the commissioner, and requirements for adherence to permit application procedures and air pollution dispersion modeling impact analyses.	Facility Wide	RSA 125-C:6, RSA 125-C:11 & Env-A 606.04
14.	<p>Accidental Release Program Requirements.</p> <p>Storage of regulated chemicals at the facility, are less than the applicable threshold quantities established in 40 CFR 68.130. Administrative controls will be established in order to ensure that inventories of regulated substances are maintained below the specified threshold quantities. The facility is subject to the Purpose and General Duty clause of the 1990 Clean Air Act, Section 112(r)(1). General Duty includes the following responsibilities:</p> <ul style="list-style-type: none"> a) Identify potential hazards which result from such releases using appropriate hazard assessment techniques; b) Design and maintain a safe facility; c) Take steps necessary to prevent releases; and d) Minimize the consequences of accidental releases, which do occur. <p>If, in the future, the facility wishes to store quantities of high risk regulated substances above the threshold levels, an emergency response plan shall be submitted to the DES prior to exceeding threshold quantity limits. This plan shall include the information listed in 40 CFR 68, Subpart E.</p>	Facility Wide	40 CFR 68 Federally Enforceable

VIII. C. Emission Reductions Trading Requirements:

The Permittee did not request emissions reductions trading in the facility operating permit application. At the time of this permit preparation, DES did not included any permit terms authorizing emissions trading in this permit. All emissions reductions trading must be authorized under the applicable requirements of either Env-A 3000 (the “Emissions Reductions Credits (or ERCs) Trading Program”) or Env-A-3100 (the “Discrete Emissions Reductions (or DERs) Trading Program) and 42 U.S.C. §7401 et seq. (The “Act”), and must be provided for in this Permit.”

VIII. D. Monitoring and Testing Requirements:

The permittee is subject to the monitoring and testing requirements as contained in Table 6 below:

Table 6 – Monitoring/Testing Requirements					
Item #	Parameter	Method of Compliance	Frequency of Method	Device	Regulatory Cite
1.	Allows for adequate dispersion of HAPs and other regulated pollutants	The Permittee shall conduct annual visual inspections of each stack and fuel-burning device. Annual inspections shall include a thorough inspection of the condition of each stack exterior and each fuel burning device, and be focused on identifying holes, leaks, deposits, deficiencies, or deterioration of equipment and stacks. Every five (5) years, the Permittee shall inspect the interior of each stack for evidence of corrosion, cracks, or holes. Records of inspections, and subsequent maintenance, conducted as a result of the annual inspections, shall be kept on file at the facility and will be made available for review by DES and/or EPA upon request. The stacks to be inspected is the one from the Boiler.	Annually	Facility stacks and fuel burning devices	Env-A 806.01(4) & 40 CFR 70.6(a)(3) Federally Enforceable
2.	Sulfur content of No. 2 fuel oil	The operator shall conduct testing in accordance with appropriate ASTM test methods or retain delivery tickets which certify the weight percent of sulfur for each delivery of No. 2 fuel oil to determine compliance with the sulfur content limitation provisions specified in this permit for liquid fuels in order to meet the reporting requirements specified in Env-A 900.	For each delivery of fuel oil to the facility	Facility Wide	Env-A 809.01 Federally Enforceable
3.	Particulate Matter Control PC1 - Multiclone	Conduct monitoring of pressure differential across the PC1 - Multiclone unit every two hours. An acceptable pressure differential shall be in accordance with standard operating practices and manufacturer’s recommended operating parameters and shall be maintained between 2" and 5" of water column. Pressure differential readings shall be recorded on standard forms and kept on file at the facility for review by the DES upon request. The standard forms shall include the acceptable operating parameters for quick reference by facility personnel.	Every two hours	Boiler	Env-A 806.01(a) and 40 CFR Part 70.6(a)(3) Federally Enforceable

Table 6 – Monitoring/Testing Requirements

Item #	Parameter	Method of Compliance	Frequency of Method	Device	Regulatory Cite
4.	Particulate Matter Control PC1 - Multiclone	Facility personnel shall conduct a daily inspection for visible emissions of the PC1 - Multiclone unit to observe leaks using EPA Method 22, 40 CFR Part 60, Appendix A. If a leak(s) is observed, facility personnel shall take immediate steps to repair the leak. Daily observations, maintenance and repairs performed to the unit shall be recorded in the log book. The visible emissions observer shall meet the training requirements of EPA Method 22.	Daily	Boiler	Env-A 806.01(a) and 40 CFR Part 70.6(a)(3) Federally Enforceable
5.	Particulate Matter Control PC1 - Multiclone	During down-time maintenance periods, facility personnel shall inspect inlet and outlet vanes and boots for any build up of caked dust. All caked dust shall be removed during each down-time maintenance period.	Each down-time maintenance period	Boiler	Env-A 806.01(a) and 40 CFR Part 70.6(a)(3) Federally Enforceable
6.	Particulate Matter Control PC1 - Multiclone	Observations of operating parameters outside of the standard operating practices included in this permit shall be recorded, investigated and corrected immediately. If this results in a permit limit exceedance, the owner or operator shall contact DES within 8 hours.	Daily	Boiler	Env-A 806.01(a) and 40 CFR Part 70.6(a)(3) Federally Enforceable

Table 6 – Monitoring/Testing Requirements

Item #	Parameter	Method of Compliance	Frequency of Method	Device	Regulatory Cite
7.	Particulate Matter Control PC2 - EFB	<p>In accordance with the manufacturer's O&M manual and standard operating practices for this equipment, on a bi-hourly basis, facility personnel shall:</p> <ul style="list-style-type: none"> a) Monitor and record the pressure on the PC2 - EFB differential pressure gauge. The pressure shall be maintained between 2" and 8" of water column. b) Monitor and record the voltage on the PC2 - EFB voltmeters. The PC2 - EFB voltage shall be maintained between 5 and 10 KV. c) Monitor and record the PC2 - EFB current amperage on the PC2 - EFB ammeters. The PC2 - EFB current shall be maintained between 0.02 and 0.5 amps. d) Monitor and record the voltage on the ionizer voltmeters. The ionizer voltage shall be maintained between 10 and 25 KV. e) Monitor and record the ionizer amperage on the ammeters. The ionizer amperage shall be maintained between 0.2 and 3 milliamps. f) Bi-hourly monitoring data shall be recorded daily on standard forms and kept on file at the facility for review by the DES upon request. The standard forms shall include the acceptable operating parameters for quick reference by facility personnel. g) Observations of operating parameters outside of the standard operating practices included in this permit shall be recorded, investigated and corrected immediately. If this results in a permit limit exceedance, the owner or operator shall contact DES within 8 hours. 	As specified	Boiler	Env-A 806.01(a) and 40 CFR Part 70.6(a)(3) Federally Enforceable

Table 6 – Monitoring/Testing Requirements

Item #	Parameter	Method of Compliance	Frequency of Method	Device	Regulatory Cite
8.	Particulate Matter Control PC3 - Baghouse	<p>Bi-Hourly Monitoring/Testing Requirements</p> <p>a) In accordance with the manufacturer's O&M manual for the PC3-Baghouse, facility personnel shall monitor and record the pressure on the PC3-Baghouse differential pressure gauge on a bi-hourly basis. The differential pressure shall be maintained between 3" and 10" of water.</p> <p>b) Bi-hourly monitoring data shall be recorded daily on standard forms and kept on file at the facility for review by the DES upon request. The standard forms shall include the acceptable operating parameters for quick reference by facility personnel.</p>	Bi-hourly	Boiler	Env-A 806.01(a) and 40 CFR Part 70.6(a)(3) Federally Enforceable
9.	Particulate Matter Control PC3 - Baghouse	<p>a) Monitor and record the pressure on the PC3-Baghouse exhaust fan inlet pressure gauge, located on the baghouse discharge ductwork. The pressure shall be maintained between -10" to -20" of water.</p> <p>b) Conduct visual inspections of the baghouse emissions in accordance with 40 CFR Part 60 Appendix A Method 22.</p> <p>c) Monitor and record that the rotary valve is operating freely with no rubbing or binding.</p> <p>d) Monitor and record the pressure on the pulse air pressure gauge, located at the pulse air inlet manifold. The pressure shall be maintained between 70 to 100 psi.</p> <p>e) Daily monitoring data shall be recorded daily on standard forms and kept on file at the facility for review by the DES upon request. The standard forms shall include the acceptable operating parameters for quick reference by facility personnel.</p> <p>f) Observations of operating parameters outside of the standard operating practices included in this permit shall be recorded, investigated and corrected immediately. If this results in a permit limit exceedance, the owner or operator shall contact DES within 8 hours.</p>	Daily	Boiler	Env-A 806.01(a) and 40 CFR Part 70.6(a)(3) Federally Enforceable
10.	Particulate Matter Stack Testing Requirements	<p>At such times as specified by the DES, the owner or operator shall conduct USEPA method compliance stack test for PM emissions at maximum production rate conditions, and/or at the request of the DES, at any other production rate at which maximum emissions might occur.</p> <p>If requested, the PM emissions stack test shall be conducted in accordance with the requirements described in Items 12 through 17 of this Table.</p>	As requested by DES	Boiler	Env-A 806.01(a) and 40 CFR Part 70.6(a)(3) Federally Enforceable

Table 6 – Monitoring/Testing Requirements

Item #	Parameter	Method of Compliance	Frequency of Method	Device	Regulatory Cite
11.	NOx Stack Testing Requirements	In the same calendar quarter each year, the owner or operator shall conduct a USEPA method compliance stack test for NOx at maximum production rate conditions, and/or at the request of the DES, at any other production rate at which maximum emissions might occur. Results shall be reported in lbs/hr and lbs/mmBtu. If the owner or operator does not conduct annual NOx stack tests or in NOx emissions approach or exceed applicable permit limits, a NOx CEM shall be installed at the facility to monitor NOx emissions from the Boiler. Stack testing will be conducted in accordance with the requirements described in Items 12 through 17 of this Table.	Annually, same calendar quarter	Boiler	Env-A 806.01(a) and 40 CFR Part 70.6(a)(3) Federally Enforceable
12.	Stack Testing Procedural Requirements	Testing shall be conducted and the results reported in accordance with 40 CFR Part 60, Sections 60.8(a), (b), (d), (e) and (f), Appendix A and the DES's policy "Procedures and Minimum Requirements for Stack Tests". Compliance testing for NO _x and Particulate Matter shall be conducted using EPA Methods 7E and 5 respectively, or DES approved alternatives.	When conducting testing	Boiler	Env-A 806.01(a) and 40 CFR Part 70.6(a)(3) Federally Enforceable
13.	Stack Testing Procedural Requirements	Compliance testing shall be planned and carried out in accordance with the following schedule: At least 30 days prior to the commencement of testing, the owner or operator shall submit to the DES a pretest report presenting the following information: a) Calibration methods and sample data sheets; b) Description of the test methods to be used; c) Pre-test preparation procedures; d) Sample collection and analysis methods; e) Process data to be collected; and f) Complete test program description.	When conducting testing	Boiler	Env-A 806.01(a) and 40 CFR Part 70.6(a)(3) Federally Enforceable
14.	Stack Testing Procedural Requirements	At least 15 days prior to the test date, the owner or operator, and any contractor that the owner or operator retains for performance of the test, shall participate in a pretest conference with a DES representative.	When conducting testing	Boiler	Env-A 806.01(a) and 40 CFR Part 70.6(a)(3) Federally Enforceable
15.	Stack Testing Procedural Requirements	Emission testing shall be carried out under the observation of a DES representative.	When conducting testing	Boiler	Env-A 806.01(a) and 40 CFR Part 70.6(a)(3) Federally Enforceable

Table 6 – Monitoring/Testing Requirements

Item #	Parameter	Method of Compliance	Frequency of Method	Device	Regulatory Cite
16.	Stack Testing Procedural Requirements	Within 60 days after completion of testing, Bio Energy shall submit a test report to the DES.	When conducting testing	Boiler	Env-A 806.01(a) and 40 CFR Part 70.6(a)(3) Federally Enforceable
17.	Stack Testing Procedural Requirements	Any compliance stack test results determined following 40 CFR 60, Section 60.8, which show violations of the emission limitations shall be considered violations of this permit.	When conducting testing	Boiler	Env-A 806.01(a) and 40 CFR Part 70.6(a)(3) Federally Enforceable

Table 6 – Monitoring/Testing Requirements

Item #	Parameter	Method of Compliance	Frequency of Method	Device	Regulatory Cite
18.	Performance Tests for C/D Chips Fed to the Boiler	<ol style="list-style-type: none"> 1. As a condition of this permit, the owner or operator shall conduct USEPA method stack tests at maximum load conditions while burning 100% C/D wood chips for the following pollutants: <ol style="list-style-type: none"> a) NO_x b) PM₁₀ c) CO d) As, Cd, Cr, Pb, Mn, Hg, Zn 2. The compliance tests shall be conducted and the results reported in accordance with the test methods set forth in 40 CFR 60, Subpart A, Section 60.8 and Appendix A. The following test methods or DES approved alternatives shall be used: <ol style="list-style-type: none"> a) Method 1 and 2, to determine the exit velocity of stack gases from stationary sources. b) Method 3 or 3A, to determine carbon dioxide, oxygen, excess air, and molecular weight (dry basis) of stack gases from stationary sources. c) Method 4, to determine moisture content (volume fraction of water vapor) of stack gases from stationary sources. d) Method 5, to determine particulate emissions from stationary sources. e) Method 7E, to determine nitrogen oxide emissions from stationary sources (Instrumental Analyzer Procedure). f) Method 9, for visual determination of the opacity of emissions from stationary sources. g) Method 10, to determine carbon monoxide emissions from stationary sources or an alternative method approved by the DES in advance. h) Method 25 or 25A or 25B, 40 CFR 60, Appendix A, to determine non-methane organic concentrations in emissions from stationary sources. i) Method 29, 40 CFR 60, Appendix A, to determine As, Cd, Cr, Pb, Mn, Hg, and Zn concentrations in emissions from stationary sources. 	<p>Once, within 60 days after achieving the maximum production rate, but not later than 180 days after initial startup of the affected emissions unit</p> <p>AND</p> <p>Six months after the initial performance test</p>	Boiler	Env-A 802 Federally Enforceable

Table 6 – Monitoring/Testing Requirements

Item #	Parameter	Method of Compliance	Frequency of Method	Device	Regulatory Cite
18.	Performance Tests for C/D Chips Fed to the Boiler (Continued)	<p>3. At least 30 days prior to the commencement of testing, a pretest report presenting the following information shall be submitted to the DES:</p> <ul style="list-style-type: none"> a) Calibration methods and sample data sheets; b) Test methods to be used; c) Pre-test preparation procedures; d) Sample collection and analysis methods; e) Process data to be taken during the tests and frequency of data collection; and f) A complete test program description. <p>4. At least 15 days prior to commencement of testing, the owner or operator and any contractor that the owner or operator may retain for testing, shall participate in a pretest conference with a DES representative.</p> <p>5. Within 30 days after completion of testing, the owner or operator shall submit a test report to the DES.</p> <p>6. Emission testing shall be observed by a DES representative.</p> <p>7. Any compliance test results, determined following 40 CFR 60, Subpart A, Section 60.8, which show exceedances of any emission limits stated in this permit shall be violations.</p>	<p>Once, within 60 days after achieving the maximum production rate, but not later than 180 days after initial startup of the affected emissions unit</p> <p style="text-align: center;">AND</p> <p>Six months after the initial performance test</p>	Boiler	Env-A 802 Federally Enforceable
19.	Annual Lead Emissions Testing of the Boiler	As a condition of this permit, the owner or operator shall conduct USEPA method stack tests at maximum load conditions while burning 100% C/D wood chips for lead once, annually. USEPA Method 29 or a Division approved alternative shall be used for testing. Refer to Stack Testing Procedural Requirements in Items 12. through 17. of this Table for procedural requirements in conducting the testing.	Once annually after the initial performance tests	Boiler	Env-A 1400 Compliance Demonstration for Lead State-only Enforceable
20.	Opacity CEM	The opacity CEM system shall meet the requirements of 40 CFR 60 Appendix B, Performance Specifications 1-4 and Env-A 808. Determination of compliance with the opacity limits established in Section VIII.C. of this permit shall be made by the plant opacity CEM, or during periods of opacity CEM malfunction, visible emission readings taken once per shift following the procedures specified in 40 CFR 60 Appendix A, Method 9. Calculations shall be performed as specified in later Items of this Table.	Continuous	Boiler	Env-A 805.02 and 40 CFR Part 70.6(a)(3) Federally Enforceable

Table 6 – Monitoring/Testing Requirements

Item #	Parameter	Method of Compliance	Frequency of Method	Device	Regulatory Cite
21.	CO CEM	The CO CEM system shall meet the requirements of 40 CFR 60 Appendix B, Performance Specifications 1-4 and Env-A 805. Determination of compliance with the CO emission limits established in Section VIII.C. of this permit shall be made by the plant CO CEM. The CO emission rate shall be calculated daily as the average of the calendar day averages as calculated on the plant CO CEM. Calculations shall be performed as specified in later Items of this Table.	Continuous	Boiler	Env-A 805.02 and 40 CFR Part 70.6(a)(3) Federally Enforceable
22.	Oxygen (O2) CEM	The O2 CEM system shall meet the requirements of 40 CFR 60 Appendix B, Performance Specifications 1-4 and Env-A 805.	Continuous	Boiler	Env-A 805.02 and 40 CFR Part 70.6(a)(3) Federally Enforceable
23.	NOx CEM	In accordance with Env-A 805.02, if the owner or operator does not conduct annual NOx stack tests, a NOx CEM, that meets the requirements of Env-A 805, shall be installed at the facility to monitor NOx emissions from the Boiler.	Continuous, if annual NOx testing is not conducted	Boiler	Env-A 805.02 and 40 CFR Part 70.6(a)(3) Federally Enforceable
24.	Volumetric Flow CEM	The stack volumetric flow measuring device shall meet all of the requirements of 40 CFR Part 60, Appendix B, Performance Specification 6. The stack flow monitor shall have an automatic blow-back purge system installed and activated during all times of boiler operation. Data from the stack volumetric flow measuring device and the CO CEM shall be used to calculate mass emission rates for comparison with the emission standard specified in permit condition VIII.C.	Continuous	Boiler	Env-A 805.02 and 40 CFR Part 70.6(a)(3) Federally Enforceable
25.	Calculations – CEM Calendar Day Averages	CEM calendar day averages shall be calculated as follows: a) Calendar Day average = (sum of all valid hour lb/hr averages for the calendar day)/(24 - hours of CEM system downtime for the day); b) A valid calendar day average shall be defined as a calendar day with 18 or more valid hours of CEM data; c) A valid calendar hour of CEM data shall be defined as a minimum of 45 minutes collection of CEM readings taken in a calendar hour; and d) Hours of CEM system downtime shall be defined as the number of calendar hours when the CEM system has not collected data or is out-of-control for greater than 15 minutes for any reason (i.e. audits, CEM system calibration, CEM system failures, etc.)	Calculations	Boiler	Env-A 805.02 and 40 CFR Part 70.6(a)(3) Federally Enforceable

Table 6 – Monitoring/Testing Requirements

Item #	Parameter	Method of Compliance	Frequency of Method	Device	Regulatory Cite
26.	Calculations – CEM Consecutive 365-day Averages	CEM consecutive 365-day averages shall be calculated as follows: a) Consecutive 365-day average = (sum of all valid calendar day averages for the 365-day period)/(365 - days of CEM system downtime); and b) Days of CEM system downtime shall be defined as the number of calendar days when the CEM system has collected less than 18 valid hours of CEM data.	Calculations	Boiler	Env-A 805.02 and 40 CFR Part 70.6(a)(3) Federally Enforceable
27.	Calculations – CEM Calendar day and Consecutive 365-day Averages	Hours or days when the CEM system has been intentionally shutdown when the facility is not operating shall not be counted as CEM system downtime.	Calculations	Boiler	Env-A 805.02 and 40 CFR Part 70.6(a)(3) Federally Enforceable
28.	CEM Requirements	The owner or operator shall be subject to all of the CEM requirements of Env-A 805 which shall include but not be limited to: quarterly audit requirements, excess emission report requirements, quality control written procedure requirements for gaseous CEM monitors and record keeping requirements. The specific record keeping and reporting requirements are described in Sections VIII.E. and VIII.F. of this permit.	As applicable	Boiler	Env-A 805.02 and 40 CFR Part 70.6(a)(3) Federally Enforceable
29.	Gaseous CEM Requirements	The owner or operator shall continuously monitor and record data from the gaseous CEM systems during all periods of operation, including periods of startup, shutdown, malfunctions or emergency conditions, except when the stack flow is less than 13,080 dry SCFM (17,500 wet SCFM). The opacity CEM shall be continuously monitoring and recording data during all periods of operation, regardless of the stack flow rate.	As applicable	Boiler	Env-A 805.02 and 40 CFR Part 70.6(a)(3) Federally Enforceable
30.	CEM Excess Emissions	Excess emissions indicated by the CEM system shall be considered violations of the applicable emission limit for purposes of this permit, except where the owner or operator can adequately demonstrate to the DES that the recorded exceedance resulted from a CEM malfunction.	As applicable	Boiler	Env-A 805.02 and 40 CFR Part 70.6(a)(3) Federally Enforceable

Table 6 – Monitoring/Testing Requirements

Item #	Parameter	Method of Compliance	Frequency of Method	Device	Regulatory Cite
31.	Continuous Steam Flow Monitor	The owner or operator shall install, maintain and operate a continuous steam flow rate monitoring/recording system which shall meet all applicable ASME specifications. Calibration of the steam flow transducer shall occur at least once annually. If adequate straight length of piping is not available, then in lieu of a measuring system that meets ASME specifications, the owner or operator may use a steam flow rate monitoring system that can be calibrated by instruments installed, maintained and calibrated per ASME specifications or by other methods approved by the DES.	Continuous	Boiler	Env-A 805.02 and 40 CFR Part 70.6(a)(3) Federally Enforceable
32.	Incoming C/D Chip Certification	<p>Bio Energy shall maintain records of monthly fuel certifications of C/D chips delivered to the facility from each supplier of C/D chips. The fuel certifications shall include lead, arsenic, cadmium, chromium, manganese, mercury, and zinc content reported in mg metal/Kg chip on a dry basis.</p> <p>OR</p> <p>Bio Energy shall conduct once monthly testing of C/D chips supplied to the facility from each supplier. If Bio Energy elects to do testing of C/D chips from each fuel supplier, equal proportions from four successive weekly composite samples for each C/D chip supplier shall be used for the monthly composite samples. Sufficient samples shall be sent to a certified laboratory to allow for a duplicate test for lead, arsenic, cadmium, chromium, manganese, mercury, and zinc content. Metals analyses shall be reported as mg metal/kg chip on a dry basis.</p>	Monthly	Boiler	40 CFR Part 70.6 (a)(3)(i)(B) Federally Enforceable
33.	Monthly C/D Chip Composite Sampling & Analysis	Each week Bio Energy shall get a one gallon bucket sample of C/D chips being fed to the Boiler and save it to make up a four week composite sample for each calendar month. The owner or operator shall then analyze, or send out for analysis to a certified laboratory, sufficient samples to allow for a duplicate test for lead, arsenic, cadmium, chromium, manganese, mercury, and zinc content. Metals analyses shall be reported as mg metal/kg chip on a dry basis.	Four weekly samples composited into a monthly sample	Boiler	40 CFR Part 70.6 (a)(3)(i)(B) Federally Enforceable

VIII. E. Recordkeeping Requirements

The permittee shall be subject to the recordkeeping requirements identified in Table 7 below:

Table 7 – Applicable Recordkeeping Requirements				
Item #	Applicable Recordkeeping Requirement	Records Retention Requirement	Applicable Emission Unit	Regulatory Cite.
1.	The Permittee shall retain records of all required monitoring and testing data, record keeping and reporting requirements, and support information for a period of at least 5 years from the date of origination. The permittee shall maintain a written copy of the facility's Standard Operating Procedures and Operations and Maintenance Manual at the facility and shall provide a copy of these documents to DES upon request. These data and reports shall not be discarded without the express written approval of the Director in accordance with Env-A 901.11.	Retain for a minimum of 5 years	Facility Wide	40 CFR 70.6(a)(3)(ii)(B) Federally Enforceable
2.	The owner or operator shall meet the requirements for compliance certification with terms and conditions contained in this permit, including emission limitations, standards, or work practices. Compliance certifications shall meet the requirements outlined in Section XXIII of this permit.	Annually	Facility Wide	40 CFR 70.6(c)(5) Federally Enforceable
3.	For each fuel burning device at the facility, the owner or operator shall keep records on fuel utilization in accordance with the following: a) Consumption; b) Fuel type; c) Viscosity (for liquid fuels); d) Sulfur content as percent sulfur by weight of fuel (for liquid fuels); e) Btu content (lb/gal or lb/ton wood chips); and f) Records shall be kept of hours of operation corresponding to the utilization and distribution of all fuels.	As stated	Facility Wide	Env-A 901.03 Federally Enforceable
4.	The owner or operator shall maintain records of Method 22 training for all personnel who conduct daily visible emissions monitoring as required by this permit.	As stated	Facility Wide	40 CFR 60 Appendix A Federally Enforceable

Table 7 – Applicable Recordkeeping Requirements

Item #	Applicable Recordkeeping Requirement	Records Retention Requirement	Applicable Emission Unit	Regulatory Cite.
5.	<p>The Permittee shall maintain records of monitoring/testing requirements as specified in Table 6 of this Permit including, but not limited to:</p> <ul style="list-style-type: none"> a) Preventative maintenance and inspection results for stacks, processes and boilers; b) Summary of maintenance and/or repair of the pollution control equipment (multiclone (PC1), fluidized bed (PC2), and baghouse (PC3)); c) Summary of maintenance and/or repair of the pitot tube associated with the stack volumetric flow measuring device; d) Summary of maintenance and/or repair of the CEM and COM systems; e) Summary of maintenance, repair, and calibration records for all fuel flow meters; f) PM and NOx Stack Test Results conducted on the Boiler; g) Performance Tests Results for C/D chips fed to the Boiler; h) Annual Lead Stack Test Results for C/D chips fed to the Boiler; i) Laboratory results for metals testing of monthly composite C/D chips fed to the Boiler; and j) Copies of monthly C/D chip fuel certifications from each supplier to Bio Energy or copies of monthly analyses from Bio Energy of incoming C/D chip composite samples collected by Bio Energy and sent out for analysis. 	Maintain on a continuous basis	Facility Wide	40 CFR 70.6(a)(3)(iii)(A) Federally Enforceable
6.	<p>Delivery tickets from each fuel oil supplier for each shipment of fuel oil received shall be kept on file in a form suitable for inspection and shall be available to the DES and/or EPA upon request. Each delivery ticket shall indicate:</p> <ul style="list-style-type: none"> a) The name of the fuel supplier; b) The address of the fuel oil supplier; c) The telephone number of the fuel oil supplier; d) The quantity of fuel oil delivered; and e) The percent sulfur by weight of the fuel oil being delivered. <p>If delivery tickets do not contain sulfur content of fuel being delivered, the Permittee shall perform testing in accordance with appropriate ASTM test methods to determine compliance with the sulfur content limitation provisions for each delivery of fuel oil.</p>	Maintain on a continuous basis	Facility Wide	40 CFR 70.6(a)(3) & Env-A 1604.01 Federally Enforceable
7.	Annual records of actual emissions for each significant and insignificant activity for determination of emission based fees.	Maintain at facility at all times	Significant and insignificant activities	Env-A 901.04 Federally Enforceable

Table 7 – Applicable Recordkeeping Requirements

Item #	Applicable Recordkeeping Requirement	Records Retention Requirement	Applicable Emission Unit	Regulatory Cite.
8.	<p>NO_x Recordkeeping Requirements:</p> <p>For each fuel burning device, the following information shall be recorded and maintained:</p> <ul style="list-style-type: none"> a) Facility information, including: <ul style="list-style-type: none"> • Source name; • Source identification; • Physical address; • Mailing address; • Date of origination for reports; • Facility contact and title; and • Facility telephone number. b) Identification of each fuel burning device at the facility. c) Operating schedule information for each identified fuel burning device, including: <ul style="list-style-type: none"> • Days per calendar week during the normal operating schedule; • Hours per day during the normal operating schedule and for a typical ozone season day, if different from the normal operating schedule; • Hours per year during the normal operating schedule. d) Type and amount of fuel or waste burned, for each fuel burning device, during normal operating conditions and for a typical ozone season day, if different from normal operating conditions, on an hourly basis in mmBtu/hr; e) The following NO_x emissions data, including records of total annual emissions, in tons per year (tpy), and typical ozone season day emissions, in pounds per day (lbs/day), shall be maintained at the facility for a minimum of five years: <ul style="list-style-type: none"> • Theoretical potential emissions for the calculation year for each fuel burning device; and • Actual NO_x emissions for each fuel burning device. 	On a continuous basis	Facility Wide	Env-A 901.08 Federally Enforceable

VIII. F. Reporting Requirements

The permittee shall be subject to the reporting requirements identified in Table 8 below:

Table 8 – Applicable Reporting Requirements				
Item #	Reporting Requirements	Frequency of Reporting	Applicable Emission Unit	Regulatory Cite
1.	<p>The Permittee shall submit a semi-annual summary report of monitoring data as specified in Tables 6 and 7 of this permit including:</p> <ul style="list-style-type: none"> a) Preventative maintenance and inspection results performed during the annual inspection as specified in Table 6, Item #1 for stacks and emission units; b) Summary of testing and/or delivery ticket certifications for fuel sulfur content limitation provisions; c) Summary of maintenance and repair records for the pollution control equipment (multiclone (PC1), fluidized bed (PC2), and baghouse (PC3)); d) Summary of maintenance and repair records for the stack volumetric flow measuring device; e) Summary of maintenance and repair records for the CEM and COM systems; f) Summary of maintenance, repair, and calibration records for all fuel flow meters; g) Summary of monthly C/D chip analyses of chips fed to the Boiler; h) Summary of monthly C/D chip fuel certifications for C/D chips received at the facility or a summary of monthly C/D chip analyses conducted by Bio Energy for C/D chips received at the facility from each supplier of C/D chips; i) Summary of any PM, NOx, or Lead Testing conducted on the Boiler; and j) A Permit deviation report. 	Every 6 months (no later than the 30th day of the following month of each calendar half year) to DES and EPA	Facility Wide	40 CFR 70.6(a)(3)(iii)(A) Federally Enforceable
2.	The Permittee shall submit monthly fuel usage information, by device, fuel type, and sulfur content, shall be submitted to DES on a quarterly basis within 30 days after the end of the quarter for which reporting is required.	Quarterly (no later than 30 days following the end of each quarterly reporting period), to DES	Facility Wide	Env-A 901.07(c) Federally Enforceable
3.	<p>C/D Chip Quarterly Quality Report:</p> <p>The owner or operator shall submit lab test results of the three monthly composite samples metals analyses of C/D chips fed to the Boiler, reported in mg metal/kg chip on a dry basis.</p>	Quarterly (no later than 30 days following the end of each quarterly reporting period), to DES	Boiler C/D Chips	40 CFR 70.6(a)(3)(iii) Federally Enforceable

Table 8 – Applicable Reporting Requirements

Item #	Reporting Requirements	Frequency of Reporting	Applicable Emission Unit	Regulatory Cite
4.	<p>NO_x Reporting Requirements:</p> <p>The owner or operator shall submit to the Director NO_x emission data for all facility fuel burning devices by April 15th of the following year.</p>	Annually (no later than April 15 th of the following year), to DES	Facility Wide	Env-A 901.09(b) Federally Enforceable
5.	<p>CEM Audit Report:</p> <p>Within 30 days following the close of each calendar quarter, the owner or operator shall submit to DES, a CEM audit report for all audits conducted as specified in Env-A 805.06 and Section VIII.C. of this permit.</p>	Quarterly (no later than 30 days following the end of each quarterly reporting period), to DES	Boiler	Env-A 805.06 Federally Enforceable
6.	<p>Within 30 days following the close of each calendar quarter, the owner or operator shall submit to the DES excess emission reports for the Boiler as approved by the DES containing information specified in Env-A 805 as well as the following information:</p> <ul style="list-style-type: none"> a) Calendar daily averages of CO lb/hr and part per million (ppm) whether or not an excess emission has occurred; b) Calendar daily averages of percentage oxygen (O₂); c) Calendar daily averages of steam generation rate; d) Calendar daily averages of stack flow; e) Average steam production rate for each consecutive 24-hour period where the production rate exceeds the limit set forth in Section VIII.A. of this permit; f) CEM system availability data; g) Amount in tons (wet basis) of wood chips consumption per month and a consecutive twelve month total; h) Amount in gallons of #2 fuel oil consumption per month and a consecutive twelve month total; and i) All periods of gaseous and opacity exceedances including start time, end time and magnitude of exceedance. 	Quarterly (no later than 30 days following the end of each quarterly reporting period), to DES	Boiler	Env-A 805 Federally Enforceable
7.	Prompt reporting of deviations from permit requirements within 24 hours of such an occurrence by phone or fax in accordance with Section XXVIII. of this permit.	Prompt reporting (i.e., within 24 hours of an occurrence) to DES	Facility Wide	40 CFR 70.6(a)(3)(iii)(B) Federally Enforceable
8.	Annual reporting and payment of emission based fees shall be conducted in accordance with Section XXIII. of this permit.	As specified in Section XXIII. To DES	Facility Wide	Env-A 704.03 Federally Enforceable
9.	Any report submitted to the DES and/or EPA shall include the certification of accuracy statement outlined in Section XXI.B. of this Permit and shall be signed by the responsible official.	As specified in section XXI. B.	Facility Wide	40 CFR 70.6(c)(1) Federally Enforceable

Table 8 – Applicable Reporting Requirements				
Item #	Reporting Requirements	Frequency of Reporting	Applicable Emission Unit	Regulatory Cite
10.	Annual compliance certification shall be submitted in accordance with Section XXI of this Permit.	Annually (no later than April 15 th of the following year), to DES and EPA	Facility Wide	40 CFR 70.6(c)(1) Federally Enforceable

IX. Requirements Currently Not Applicable:

Based on the information provided by Bio Energy in the Title V Permit application, the permittee is currently not subject to the requirements identified in the following Table 9 at the time of permit issuance:

Table 9 - Requirements Currently Not Applicable	
Statutes and Regulations	Reason
CAA Section 111, 42 U.S.C. 7411 40 CFR 60	Requirements establishing new source performance standards. Not applicable to the Bio Energy Facility at this time.
CAA Section 123, 42 U.S.C. 7423	Requirement establishing stack height standards and restrictions. Not applicable to the Bio Energy Facility at this time.
40 CFR 61	National emission standards for hazardous air pollutants. Not applicable to the Bio Energy Facility at this time.
40 CFR 63	National emission standards for hazardous air pollutants for source categories. (MACT Standards)
40 CFR 68	Chemical Accident Prevention
40 CFR 72, 73, 75, 76, 77	Permits, allowances, CEM, NO _x emission reductions and excess emissions for acid rain affected facilities. Not applicable to the Bio Energy Facility at this time.
40 CFR 82	Protection of Stratospheric Ozone - rules apply to anyone that produces, transforms, imports or exports controlled substances. Not applicable to the Bio Energy Facility at this time.
Part Env-A 400	Acid Deposition Control Program. Not applicable to Bio Energy at this time because sulfur dioxide (SO ₂) emissions are less than 100 tpy.
Env-A 610	Provisions governing general permits issued by DES. Not applicable once Title V is issued, Title V permit will govern.
Env-A 611	General acid rain permitting requirements for sources subject to Title IV Clean Air Act.

Table 9 - Requirements Currently Not Applicable	
Env-A 613	Additional permitting requirements for sources proposing use of the bubble concept.
Env-A 621	Research and Development Operations - Bio Energy has not requested an exemption for a research and development operation.
Env-A 703	Testing and monitoring fees for temporary permit issued to sources not subject to the Title V operating permit program.
Env-A 805.06(b)	Bio Energy does not have CEM systems other than SO ₂ , NO _x , CO, TRS, O ₂ and carbon dioxide (CO ₂)
Env-A 805.06(c)	Bio Energy does not have time-shared gaseous CEM systems
Env-A 901.06	Volatile Organic Compound (VOC) Record Keeping Requirements. Based on current actual VOC emissions being less than 10 tpy, Bio Energy is not subject to the VOC record keeping requirements at the time this permit was written.
Env-A 1001	Open Burning. Bio Energy does not conduct open burning activities.
Env-A 1100	Prevention, Abatement and Control of Mobile Source Air Pollution. Not applicable to the Bio Energy facility at the time this permit was written.
Env-A 1306	Requirements for Sources of Hazardous Air Pollutants Subject to Section 112 of the Clean Air Act. Bio Energy is not subject to this rule.
Env-A 1800	Asbestos Management and Control. Bio Energy is not subject to this rule.
Env-A 1900	Incinerators. Bio Energy does not operate an incinerator.
Env-A 2100	Process, Manufacturing and Service Industries. Bio Energy is not considered to be a process and manufacturing industry.
Env-A 2400	Emission Standards for Foundries, Smelters and Investment Casting. Bio Energy is not subject to this rule.
Env-A 2500	PM Emissions for Pulp and Paper Industry. Bio Energy is not subject to this rule.
Env-A 2700	Emissions Standards for asphalt plants. Bio Energy is not subject to this rule.
Env-A 2800	Emission Standards for Sand and Gravel and Cement and Concrete Industries. Bio Energy is not subject to this rule.
Env-A 3300	Municipal Waste Combustion. Bio Energy is not subject to this rule.

General Title V Operating Permit Conditions

X. Issuance of a Title V Operating Permit:

- A. This Permit is issued in accordance with the provisions of Part Env-A 609. In accordance with 40 CFR 70.6(a)(2) this Permit shall expire on the date specified on the cover page of this Permit, which shall not be later than the date five (5) years after issuance of this Permit.

Permit expiration terminates the Permittee's right to operate the Permittee's emission units, control equipment or associated equipment covered by this permit, unless a timely and complete renewal application is submitted at least 6 months before the expiration date.

- B. Pursuant to Env-A 609.02(b), this Permit shall be a state permit to operate as defined in RSA 125-C:11, III.

XI. Title V Operating Permit Renewal Procedures:

Pursuant to Env-A 609.06(b), an application for renewal of this Permit shall be considered timely if it is submitted to the Director at least six months prior to the designated expiration date of this Permit.

XII. Application Shield:

Pursuant to Env-A 609.07, if an applicant submits a timely and complete application for the issuance or renewal of a Permit, the failure to have a Permit shall not be considered a violation of this part until the Director takes final action on the application.

XIII. Permit Shield:

- A. Pursuant to Env-A 609.08(a), a permit shield shall provide that:
1. For any applicable requirement or any state requirement found in the New Hampshire Rules Governing the Control of Air Pollution specifically included in this Permit, compliance with the conditions of this Permit shall be deemed compliance with said applicable requirement or said state requirement as of the date of permit issuance; and
 2. For any potential applicable requirement or any potential state requirement found in the New Hampshire Rules Governing the Control of Air Pollution specifically identified in this Title V Operating Permit Section IX Table 8 as not applicable to the stationary source or area source, the Permittee need not comply with the specifically identified federal or state requirements.
- B. The permit shield identified in Section XIII.A. of this Permit shall apply only to those conditions incorporated into this Permit in accordance with the provisions of Env-A 609.08(b). It shall not apply to certain conditions as specified in Env-A 609.08(c) that may be incorporated into this Permit following permit issuance by DES.
- C. If a Title V Operating Permit and amendments there to issued by the DES does not expressly include or exclude an applicable requirement or a state requirement found in the NH Rules Governing the Control of Air Pollution, that applicable requirement or state requirement shall

not be covered by the permit shield and the Permittee shall comply with the provisions of said requirement to the extent that it applies to the Permittee.

- D.** If the DES determines that this Title V Operating Permit was issued based upon inaccurate or incomplete information provided by the applicant or Permittee, any permit shield provisions in said Title V Operating Permit shall be void as to the portions of said Title V Operating Permit which are affected, directly or indirectly, by the inaccurate or incomplete information.
- E.** Pursuant to Env-A 609.08(f), nothing contained in Section XIII of this Permit shall alter or affect the ability of the DES to reopen this Permit for cause in accordance with Env-A 609.18 or to exercise its summary abatement authority.
- F.** Pursuant to Env-A 609.08(g), nothing contained in this section or in any title V operating permit issued by the DES shall alter or affect the following:
 - 1.** The ability of the DES to order abatement requiring immediate compliance with applicable requirements upon finding that there is an imminent and substantial endangerment to public health, welfare, or the environment;
 - 2.** The state of New Hampshire's ability to bring an enforcement action pursuant to RSA 125-C:15,II;
 - 3.** The provisions of section 303 of the Act regarding emergency orders including the authority of the EPA Administrator under that section;
 - 4.** The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;
 - 5.** The applicable requirements of the acid rain program, consistent with section 408(a) of the Act;
 - 6.** The ability of the DES or the EPA Administrator to obtain information about a stationary source, area source, or device from the owner or operator pursuant to section 114 of the Act; or
 - 7.** The ability of the DES or the EPA Administrator to enter, inspect, and/or monitor a stationary source, area source, or device.

XIV. Reopening for Cause:

The Director shall reopen and revise a Title V Operating Permit for cause if any of the circumstances contained in Env-A 609.18(a) exist. In all proceedings to reopen and reissue a Title V Operating Permit, the Director shall follow the provisions specified in Env-A 609.18(b) through (g).

XV. Administrative Permit Amendments:

- A.** Pursuant to Env-A 612.01, the Permittee may implement the changes addressed in the request for an administrative permit amendment as defined in Part Env-A 100 immediately upon submittal of the request.

- B.** Pursuant to Env-A 612.01, the Director shall take final action on a request for an administrative permit amendment in accordance with the provisions of Env-A 612.01(b) and (c).

XVI. Operational Flexibility:

- A.** Pursuant to Env-A 612.02(a), the Permittee subject to and operating under this Title V Operating Permit may make changes involving trading of emissions under this existing Title V Operating Permit at the permitted stationary source or area source without filing a Title V Operating Permit application for and obtaining an amended Title V Operating Permit, provided that all the conditions are met as specified in section XVI. A. 1. through 7. of this permit and a notice is submitted to the DES and EPA describing the intended changes. At this point, DES has not included any permit terms authorizing emissions trading in this permit.
1. The change is not a modification under any provision of title I of the Act;
 2. The change does not cause emissions to exceed the emissions allowable under the title V operating permit, whether expressed therein as a rate of emissions or in terms of total emissions;
 3. The owner or operator has obtained any temporary permit required by Env-A 600;
 4. The owner or operator has provided written notification to the director and administrator at least 15 days prior to the proposed change and such written notification includes:
 - a. The date on which each proposed change will occur;
 - b. A description of each such change;
 - c. Any change in emissions that will result and how this change in emissions will comply with the terms and conditions of the permit;
 - d. A written request that the operational flexibility procedures be used; and
 - e. The signature of the responsible official, consistent with Env-A 605.04(b);
 5. The Title V Operating Permit issued to the stationary source or area source already contains terms and conditions including all terms and conditions which determine compliance required under 40 CFR 70.6(a) and (c) and which allow for the trading of emissions increases and decreases at the permitted stationary source or area source solely for the purpose of complying with a federally-enforceable emissions cap that is established in the permit independent of otherwise applicable requirements;
 6. The owner or operator has included in the application for the Title V Operating Permit proposed replicable procedures and proposed permit terms which ensure that the emissions trades are quantifiable and federally enforceable for changes to the Title V Operating Permit which qualify under a federally- enforceable

emissions cap that is established in the Title V Operating Permit independent of the otherwise applicable requirements; and

7. The proposed change complies with Env-A 612.02 (e).
- B. Pursuant to Env-A 612.02(c), the Permittee subject to and operating under this Title V Operating Permit may make changes not addressed or prohibited by this existing Title V Operating Permit at the permitted stationary source or area source without filing a Title V Operating Permit application, provided that all the conditions specified in Env-A 612.02(c)(1) through (6) are met and a notice is submitted to the DES and EPA describing the intended changes.
 - C. Pursuant to Env-A 612.02(d), the Permittee, Operator, Director and Administrator shall attach each notice of an off-permit change completed in accordance with Section XVI of this Title V Operating Permit to their copy of the current Title V Operating Permit.
 - D. Pursuant to Env-A 612.02(e), any change under Section XVI shall not exceed any emissions limitations established under the NH Rules Governing the Control of Air Pollution, or result in an increase in emissions, or result in new emissions, of any toxic air pollutant or hazardous air pollutant other than those listed in the existing Permit.
 - E. Pursuant to Env-A 612.02(f), the off-permit change shall not qualify for the permit shield under Env-A 609.08.

XVII. Minor Permit Amendments:

- A. Pursuant to Env-A 612.04 prior to implementing a minor permit modification, the Permittee shall submit a written request to the Director in accordance with the requirements of Env-A 612.04(b).
- B. The Director shall take final action on the minor permit amendment request in accordance with the provisions of Env-A 612.04(c) through (g).
- C. Pursuant to Env-A 612.04(g), the permit shield specified in Env-A 609.08 shall not apply to minor permit amendments under Section XVII. of this Permit.
- D. Pursuant to Env-A 612.04(i), the Permittee shall be subject to the provisions of Part Env-A 614 and Part Env-A 615 if the change is made prior to the filing with the Director a request for a minor permit amendment.

XVIII. Significant Permit Amendments:

- A. Pursuant to Env-A 612.05, a change at the facility shall qualify as a significant permit amendment if it meets the criteria specified in Env-A 612.05(a)(1) through (7).
- B. Prior to implementing the significant permit amendment, the Permittee shall submit a written request to the Director which includes all the information as referenced in Env-A 612.05(b) and (c) and shall be issued an amended Title V Operating Permit from the DES. The Permittee shall be subject to the provisions of Env-A 614 and Env-A 615 if a request for a significant permit amendment is not filed with the Director and/or the change is made prior to the issuance of an

amended Title V Operating Permit.

- C. The Director shall take final action on the significant permit amendment in accordance with the procedures specified in Env-A 612.05(d), (e) and (f).

XIX. Title V Operating Permit Suspension, Revocation or Nullification:

- A. Pursuant to RSA 125-C:13, the Director may suspend or revoke any final permit issued hereunder if, following a hearing, the Director determines that:
 - 1. the Permittee has committed a violation of any applicable statute or state requirement found in the New Hampshire Rules Governing the Control of Air Pollution, order or permit condition in force and applicable to it; or
 - 2. that the emissions from any device to which this Permit applies, alone or in conjunction with other sources of the same pollutants, presents an immediate danger to the public health.
- B. The Director shall nullify any Permit, if following a hearing in accordance with RSA 541-A:30, II, a finding is made that the Permit was issued in whole or in part based upon any information proven to be intentionally false or misleading.

XX. Inspection and Entry:

Pursuant to Env-A 614.01, EPA and DES personnel shall be granted access to the facility covered by this Permit, in accordance with RSA 125-C:6, VII for the purposes of: inspecting the proposed or permitted site; investigating a complaint; and assuring compliance with any applicable requirement or state requirement found in the NH Rules Governing the Control of Air Pollution and/or conditions of any Permit issued pursuant to Chapter Env-A 600.

XXI. Certifications:

- A. Compliance Certification Report

In accordance with 40 CFR 70.6(c) the Responsible Official shall certify, for the previous calendar year, that the facility is in compliance with the requirements of this permit. The report shall be submitted annually, no later than April 15th of the following year. The report shall be submitted to the DES and to the U.S. Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

In accordance with 40 CFR 70.6(c)(5), the report shall describe:

- 1. The terms and conditions of the Permit that are the basis of the certification;
- 2. The current compliance status of the source with respect to the terms and conditions of this Permit, and whether the method was continuous or intermittent during the reporting period;
- 3. The methods used for determining compliance, including a description of the monitoring,

record keeping, and reporting requirements and test methods; and

4. Any additional information required by the DES to determine the compliance status of the source.

B. Certification of Accuracy Statement

All documents submitted to the DES shall contain a certification of accuracy statement by the responsible official of truth, accuracy, and completeness. Such certification shall be in accordance with the requirements of 40 CFR 70.5(d) and contain the following language:

"I am authorized to make this submission on behalf of the facility for which the submission is made. Based on information and belief formed after reasonable inquiry, I certify that the statements and information in the enclosed documents are to the best of my knowledge and belief true, accurate and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

All reports submitted to DES (except those submitted as emission based fees as outlined in Section XXIII of this Permit) shall be submitted to the following address;

New Hampshire Department of Environmental Services
Air Resources Division
6 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095
ATTN: Compliance Bureau

All reports submitted to EPA shall be submitted to the following address;

Office of Environmental Stewardship
Director Air Compliance Program
United States Environmental Protection Agency
1 Congress Street
Suite 1100 (SEA)
Boston, MA 02114-2023
ATTN: Air Compliance Clerk

XXII. Enforcement:

Any noncompliance with a permit condition constitutes a violation of RSA 125-C:15, and, as to the conditions in this permit which are federally enforceable, a violation of the Clean Air Act, 42 U.S.C. Section 7401 et seq., and is grounds for enforcement action, for permit termination or revocation, or for denial of an operating permit renewal application by the DES and/or EPA. Noncompliance may also be grounds for assessment of administrative, civil or criminal penalties in accordance with RSA 125-C:15 and/or the Clean Air Act. This Permit does not relieve the Permittee from the obligation to comply with any other provisions of RSA 125-C, the New Hampshire Rules Governing the Control of Air Pollution, or the Clean Air Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable Federal, State, or Local rules and regulations, not addressed in

this Permit.

In accordance with 40 CFR 70.6 (a)(6)(ii) a Permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.

XXIII. Emission-Based Fee Requirements:

- A. The Permittee shall pay an emission-based fee annually for this facility as calculated each calendar year pursuant to Env-A 704.03.
- B. The Permittee shall determine the total actual annual emissions from the facility to be included in the emission-based multiplier specified in Env-A 704.03(a) for each calendar year in accordance with the methods specified in Env-A 620.
- C. The Permittee shall calculate the annual emission-based fee for each calendar year in accordance

$$FEE = E * DPT * CPI_m * ISF$$

with the procedures specified in Env-A 704.03 and the following equation:

Where:

FEE =	The annual emission-based fee for each calendar year as specified in Env-A 704.
E =	The emission-based multiplier is based on the calculation of total annual emissions as specified in Env-A 704.02 and the provisions specified in Env-A 704.03(a).
DPT =	The dollar per ton fee the DES has specified in Env-A 704.03(b).
CPI _m =	The Consumer Price Index Multiplier as calculated in Env-A 704.03(c).
ISF =	The Inventory Stabilization Factor as specified in Env-A 704.03(d).

- D. The Permittee shall contact the DES each calendar year for the value of the Inventory Stabilization Factor.
- E. The Permittee shall contact the DES each calendar year for the value of the Consumer Price Index Multiplier.
- F. The Permittee shall submit, to the DES, payment of the emission-based fee and a summary of the calculations referenced in Sections XXIII.B. and C of this Permit for each calendar year by October 15th of the following calendar year in accordance with Env-A 704.04. The emission-based fee and summary of the calculations shall be submitted to the following address:

New Hampshire Department of Environmental Services
 Air Resources Division
 6 Hazen Drive
 P.O. Box 95
 Concord, NH 03302-0095
 ATTN.: Emissions Inventory

- G. The DES shall notify the Permittee of any under payments or over payments of the annual emission-based fee in accordance with Env-A 704.05.

XXIV. Duty To Provide Information

In accordance with 40 CFR 70.6 (a)(6)(v), upon the DES's written request, the Permittee shall furnish, within a reasonable time, any information necessary for determining whether cause exists for modifying, revoking and reissuing, or terminating the Permit, or to determine compliance with the Permit. Upon request, the Permittee shall furnish to the DES copies of records that the Permittee is required to retain by this Permit. The Permittee may make a claim of confidentiality as to any information submitted pursuant to this condition in accordance with Part Env-A 103 at the time such information is submitted to DES. DES shall evaluate such requests in accordance with the provisions of Part Env-A 103.

XXV. Property Rights

Pursuant to 40 CFR 70.6 (a)(6)(iv), this Permit does not convey any property rights of any sort, or any exclusive privilege.

XXVI. Severability Clause

Pursuant to 40 CFR 70.6 (a)(5), the provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstances is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not be affected thereby.

XXVII. Emergency Conditions

Pursuant to 40 CFR 70.6 (g), the Permittee shall be shielded from enforcement action brought for noncompliance with technology based² emission limitations specified in this Permit as a result of an emergency³. In order to use emergency as an affirmative defense to an action brought for noncompliance, the Permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

- A. An emergency occurred and that the Permittee can identify the cause(s) of the emergency;
- B. The permitted facility was at the time being properly operated;
- C. During the period of the emergency, the Permittee took all reasonable steps as expeditiously as

² Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

³ An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of any of these things.

possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this Permit; and

- D.** The Permittee submitted notice of the emergency to the DES within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

XXVIII. Permit Deviations

In accordance with 40 CFR 70.6(a)(3)(iii)(B), the Permittee shall report to the DES all instances of deviations from Permit requirements, by telephone or fax, within 8 hours of discovery of such deviation pursuant to Env-A 902.02. This report shall include the deviation itself, including those attributable to upset conditions as defined in the Permit, the probable cause of such deviations, and any corrective actions or preventative measures taken. Said Permit deviation shall also be submitted in writing to the DES within fifteen (15) days of documentation of the deviation by facility personnel. Deviations are instances where any Permit condition is violated and has not already been reported as an emergency pursuant to Section XXVII of this Permit.

Reporting a Permit deviation is not an affirmative defense for action brought for noncompliance.